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JAN 15 2004

In re Application of : DECISION ON PETITION  
Kazumasa OHSUMI :  
Application No. 09/288,217 :  
Filed: April 8, 1999 :  
Attorney Docket No. 1185.1046 :  
:

This is a decision on the petition filed October 10, 2003, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A Final rejection was mailed on March 31, 2003, setting forth a three-month period of response.

Petitioner asserts that an Amendment, a Petition for a Three-Month Extension of Time, a Notice of Appeal and the corresponding fees were timely filed on September 30, 2003 as evidenced by copies of the Amendment, the Petition for a Three-Month Extension of Time, the Notice of Appeal and the postcard receipt indicating receipt of all papers in the Patent and Trademark Office on September 30, 2003.

The review of the application file reveals that the Amendment, the Petition for a Three-Month Extension of Time and the Notice of Appeal were received but not matched with the file at the time the examiner held the application abandoned. A review of the PALM database reveals that the Three-Month Extension of Time fee and a Notice of Appeal fee was paid on September 30, 2003. Consequently, the application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the Amendment and the Notice of Appeal. From there, it will be returned to the examiner for further prosecution.

The appeal brief is due 2 months from the mailing date of this decision. The time period for filing the appeal brief may be extended under 37 CFR 1.136.

Inquiries regarding this decision should be directed to Jose' G. Dees at (703) 308-4628.



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